

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LM INSURANCE CORPORATION)	
)	Case No.: 08-CV-2372
Plaintiff,)	
-vs-)	Judge John A. Nordberg
)	
ACEO, INC. and ALLIANCE INSURANCE)	Magistrate Judge Jeffery Cole
GROUP, INC.)	
)	
Defendants.)	

PLAINTIFF'S MOTION TO VACATE CUTOFF DATE
FOR THE AMENDMENT OF PLEADINGS

NOW COMES the Plaintiff, LM Insurance Corporation ("LM") by and through its attorney, James T. Barnes, Esq., and for Plaintiff's Motion to Vacate Cutoff Date for the Amendment of Pleadings, the Plaintiff respectfully states as follows:

1. Pursuant to the Order entered by this Honorable Court on December 12, 2008, the cutoff date for the amendment of pleadings is presently set as January 31, 2009. (See Docket Entry #27).

2. Subsequent to the entry of that Order, the Defendants filed a Motion for Judgment on the Pleadings. The Defendants' Motion, which is presently being briefed, has the potential to resolve certain issues in this case.

3. Any amended pleadings filed by the parties will need to be prepared in accordance with this Honorable Court's ruling on the Defendants' Motion (ruling on this matter is presently set for February 24th).

4. Given the above, Plaintiff respectfully submits that the pending cutoff date for amendment of pleadings be vacated, and that the cutoff date be reset after ruling on Defendants' Motion for Judgment on the Pleadings.

5. Vacating the cutoff date for amendment of pleadings will not adversely affect the progression of this case. Indeed, during the pendency of Defendants' Motion, this Honorable Court has already vacated all pending discovery cutoff dates. (See Docket Entry #36).

WHEREFORE, the Plaintiff, LM Insurance Corporation, respectfully requests that this Honorable Court grant Plaintiff's Motion to Vacate Cutoff Date for the Amendment of Pleadings, and all other relief this Honorable Court deems fair and just.

Respectfully submitted,

LM INSURANCE CORPORATION

By: s/ James T. Barnes
One of its attorneys

James T. Barnes, Esq. (# 6211950)
John C. Schmadeke, Esq. (# 6279698)
Barnes, P.C.
431 South Dearborn Street
Suite 506
Chicago, IL 60605
(312) 939-5859

CERTIFICATE OF SERVICE

I, James T. Barnes, an attorney, hereby certify that Plaintiff's Motion to Vacate Cutoff Date for the Amendment of Pleadings was served by electronic service to all counsel of record registered to use Electronic Case Filing in this District this 26th day of January, 2009.

s/ James T. Barnes

James T. Barnes, Esq.